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Attorney for Plaintiff
MARINA AVXENTIEVA

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
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MARINA AVXENTIEVA,

Plaintiff,

v.

Kilolo Kijakazi,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 2:20-cv-02398-KJN

STIPULATION AND
ORDER
APPROVING SETTLEMENT
OF ATTORNEY FEES UNDER
THE EQUAL ACCESS TO
JUSTICE ACT [28 U.S.C.
§2412(d)]

THE PARTIES STIPULATE through the undersigned, subject to the approval of the Court, that plaintiff be awarded attorney fees in the amount of Two Hundred (\$200.00) under the *Equal Access to Justice Act*, 28 U.S.C. §2412(d) and that there will be no award of costs. This will represent compensation for all legal services rendered by counsel for plaintiff in this civil action and in accordance with that statute.

1 Upon the Court's order, defendant will consider the assignment of those *EAJA* fees
2 pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2252-2253 (2010), considering any offsets allowed
3 under the United States Department of Treasury's Offset Program. Fees shall be made payable to
4 plaintiff, but if the Treasury Department determines plaintiff owes no federal debt, then the
5 government shall pay the fees directly to Jesse S. Kaplan based on an assignment executed by
6 plaintiff and will deliver the payment to said counsel.
7

8 This stipulation constitutes a compromise settlement of plaintiff's request for *EAJA* fees
9 and not an admission of liability of defendant under the *EAJA*. Payment of this agreed amount
10 shall constitute a complete release and bar of plaintiff and her counsel regarding *EAJA* fees
11 relating to this action. This award is without prejudice to plaintiff's counsel's right to fees under
12 42 U.S.C. §406(b), subject to the savings clause provisions of the *EAJA*.
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16 Dated: September 16, 2021

/s/ Jesse S. Kaplan

JESSE S. KAPLAN
Attorney for Plaintiff

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19 Dated: September 16, 2021

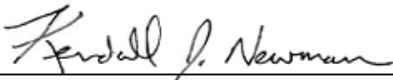
/s/ per email authorization

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21 ELLINOR CODER
22 Special Assistant U.S. Attorney
23 Attorney for Defendant
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ORDER

GOOD CAUSE APPEARING from the foregoing stipulation, IT IS ORDERED that defendant pay plaintiff's attorney fees pursuant to the *EAJA* in accordance with this stipulation.

Dated: September 24, 2021


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE